

## **IC 9-19-10**

### **Chapter 10. Passenger Restraint Systems**

#### **IC 9-19-10-1 Version a**

##### **Application of chapter**

*Note: This version of section effective until 7-1-2005. See also following version of this section, effective 7-1-2005.*

Sec. 1. This chapter does not apply to a front seat occupant who meets any of the following conditions:

- (1) For medical reasons should not wear safety belts.
- (2) Is a child required to be restrained by a child passenger restraint system under IC 9-19-11.
- (3) Is traveling in a commercial or a United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.
- (4) Is a rural carrier of the United States Postal Service and is operating a vehicle while serving a rural postal route.
- (5) Is a newspaper motor route carrier or newspaper bundle hauler who stops to make deliveries from a vehicle.
- (6) Is a driver examiner designated and appointed under IC 9-14-2-3 and is conducting an examination of an applicant for a permit or license under IC 9-24-10.

*As added by P.L.2-1991, SEC.7.*

#### **IC 9-19-10-1 Version b**

##### **Application of chapter**

*Note: This version of section effective 7-1-2005. See also preceding version of this section, effective until 7-1-2005.*

Sec. 1. This chapter does not apply to a front seat occupant who meets any of the following conditions:

- (1) For medical reasons should not wear safety belts.
- (2) Is a child required to be restrained by a child restraint system under IC 9-19-11.
- (3) Is traveling in a commercial or a United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.
- (4) Is a rural carrier of the United States Postal Service and is operating a vehicle while serving a rural postal route.
- (5) Is a newspaper motor route carrier or newspaper bundle hauler who stops to make deliveries from a vehicle.
- (6) Is a driver examiner designated and appointed under IC 9-14-2-3 and is conducting an examination of an applicant for a permit or license under IC 9-24-10.

*As added by P.L.2-1991, SEC.7. Amended by P.L.67-2004, SEC.2.*

#### **IC 9-19-10-2**

##### **Front seat occupants; safety belt standards; use of belt**

Sec. 2. Each front seat occupant of a passenger motor vehicle that is equipped with a safety belt meeting the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR

571.208) shall have a safety belt properly fastened about the occupant's body at all times when the vehicle is in forward motion.  
*As added by P.L.2-1991, SEC.7.*

#### **IC 9-19-10-2.5 Version a**

##### **Safety belt standards; children between 4 and 12 years of age**

*Note: This version of section effective until 7-1-2005. See also following repeal of this section, effective 7-1-2005.*

Sec. 2.5. A person who operates a passenger motor vehicle that is equipped with a safety belt meeting the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) in which there is a child commits a Class D infraction if:

- (1) the child is at least four (4) years of age but less than twelve (12) years of age; and
- (2) the child is not properly fastened and restrained by:
  - (A) a child passenger restraint system; or
  - (B) a safety belt.

*As added by P.L.57-1998, SEC.1 and P.L.116-1998, SEC.1.*

#### **IC 9-19-10-2.5 Version b**

##### **Repealed**

*Note: This repeal of section effective 7-1-2005. See also preceding version of this section, effective until 7-1-2005.*

*(Repealed by P.L.67-2004, SEC.14.)*

#### **IC 9-19-10-3 Version a**

##### **Stopping, inspecting, or detaining vehicle**

*Note: This version of section amended by P.L.57-1998, SEC.2. See also following version of this section amended by P.L.116-1998, SEC.2.*

Sec. 3. (a) Except as provided in subsection (b), a person may not be stopped, inspected, or detained solely to determine compliance with this chapter.

(b) Subsection (a) does not apply to a stop, an inspection, or a detention of a person to determine compliance with section 2.5 of this chapter.

*As added by P.L.2-1991, SEC.7. Amended by P.L.57-1998, SEC.2.*

#### **IC 9-19-10-3 Version b**

##### **Stopping, inspecting, or detaining vehicle**

*Note: This version of section amended by P.L.116-1998, SEC.2. See also preceding version of this section amended by P.L.57-1998, SEC.2.*

Sec. 3. A vehicle may be stopped to determine compliance with this chapter. However, a vehicle, the contents of a vehicle, the driver of a vehicle, or a passenger in a vehicle may not be inspected, searched, or detained solely because of a violation of this chapter.

*As added by P.L.2-1991, SEC.7. Amended by P.L.116-1998, SEC.2.*

#### **IC 9-19-10-4**

**Educational programs**

Sec. 4. The bureau, in cooperation with the Indiana department of transportation, division of traffic safety, shall develop and administer educational programs for the purpose of informing the general public of the benefits that will inure to passengers using safety belts.

*As added by P.L.2-1991, SEC.7.*

**IC 9-19-10-5****Retail sales, leases, trades, and transfers**

Sec. 5. A person may not buy, sell, lease, trade, or transfer from or to Indiana residents at retail an automobile that is manufactured or assembled, commencing with the 1964 models, unless the automobile is equipped with safety belts installed for use in the front seat.

*As added by P.L.2-1991, SEC.7.*

**IC 9-19-10-6****Belt and installation specifications**

Sec. 6. (a) A safety belt must be of a type and must be installed in a manner approved by the bureau.

(b) The bureau shall establish specifications and requirements for approved types of safety belts and attachments to the safety belts.

(c) The bureau shall accept, as approved, a seat belt installation and the belt and anchor meeting the Society of Automotive Engineers' specifications.

*As added by P.L.2-1991, SEC.7.*

**IC 9-19-10-7****Failure to comply; fault; liability of insurer; mitigation of damages**

Sec. 7. (a) Failure to comply with section 1, 2, 3, or 4 of this chapter does not constitute fault under IC 34-51-2 and does not limit the liability of an insurer.

(b) Except as provided in subsection (c), evidence of the failure to comply with section 1, 2, 3, or 4 of this chapter may not be admitted in a civil action to mitigate damages.

(c) Evidence of a failure to comply with this chapter may be admitted in a civil action as to mitigation of damages in a product liability action involving a motor vehicle restraint or supplemental restraint system. The defendant in such an action has the burden of proving noncompliance with this chapter and that compliance with this chapter would have reduced injuries, and the extent of the reduction.

*As added by P.L.2-1991, SEC.7. Amended by P.L.121-1993, SEC.1; P.L.1-1998, SEC.95.*

**IC 9-19-10-8****Failure of front seat occupant to use belt; violation; classification; assessment of points**

Sec. 8. (a) A person who:

(1) is at least sixteen (16) years of age; and

(2) violates section 2 of this chapter;  
commits a Class D infraction.

(b) The bureau may not assess points under the point system for Class D infractions under this section.

*As added by P.L.2-1991, SEC.7. Amended by P.L.57-1998, SEC.3; P.L.116-1998, SEC.3.*

#### **IC 9-19-10-9**

##### **Retail transfers of vehicles and belt and installation specifications; violation; classification**

Sec. 9. A person who violates section 5 or 6 of this chapter commits a Class C infraction.

*As added by P.L.2-1991, SEC.7.*